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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,335	06/02/2001	Kenneth J. Susnjara	21172	2887

7590 04/06/2007
STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L STREET, N.W., SUITE 850
WASHINGTON, DC 20036

EXAMINER

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/872,335

Applicant(s)

SUSNJARA, KENNETH J.

Examiner

Raquel Alvarez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/23/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 1/23/2007.
2. Claims 1-66 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlin US publication number 2002/0093538 hereinafter Carlin.

As to claims 1, 26, Carlin discloses

" A design professional such as an interior designer, furniture sales associate running a browser program at a client computer (i) uses the world wide web to connect to a graphics server computer and (ii) interactively selects or specifies furnishings or other objects from this server computer and previews the scene and communicates with the server, so as to (iii) receive and display to his or her client a high fidelity high quality virtual reality perspective view photorealistic image of furnishings or other objects displayed in, most commonly, a virtual representation of an actual room of a client's home. The photorealistic images, optionally provided to bona fide design professionals and their clients for free, but typically paid for by the product's manufacturer, promote the sale to the client of goods which are normally obtained through the graphics service provider's customer's distributor, profiting both the service

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provider and the design professional. Models, textures and maps of existing objects are built as necessary from object views or actual objects.

Full custom objects,

Including furniture and other products not yet built, are readily presented in realistic virtual image."

As such Carlin discloses

A method of marketing component products to tradesmen engaged in the production of room layouts utilizing said component products, and the sale of said rooms layouts to consumers, comprising: distributing software to said tradesmen functional in designing said layouts and including advertisements soliciting the sale of a first set of said component products (see at least abstract, [0144]; [0150]; [0160]; 0161] [0033])

Receiving electronically over the Internet from said tradesmen, orders for the purchase of selected ones of said first set of components (see figures 3-4 and associated text);

Transmitting electronically over the Internet to selected ones of a first set of vendors, ordered for the purchase of the component products corresponding to said selected ones of said first set of component products ordered by said tradesmen, with instructions to ship said ordered component products to said tradesmen (see figs. 3-4 and associated text; 0160, 0161);

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receiving invoices from said first set of vendors for component products to purchase orders received by said first set of vendors, and remitting payment thereof to said first set of vendors; and invoicing said producers upon confirmation of shipment of said component products by said first set of vendors to said tradesmen (see figs. 3-4 and associated text 0144; 0150; 0160; 0161).

Wherein said end users and said producers are different (i.e. the interior designer and the client using the product are different)(paragraph 0160).

With respect to shipping the component products to the producers. Carlin teaches in paragraph 0160, the interior designer tracking the purchase orders and delivery schedules. Carlin teaches delivering the products to the user of the product (paragraph 0160). Carlin doesn't specifically teach shipping the components parts to the producers. Official Notice is taken that it is old and well known for the interior designers to receive the order placed on behalf of the customers in order for both parties to inspect and make sure that the products was the one ordered and desired. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included shipping the component products to the producers in order to obtain the above mentioned advantage.

As to claims 5-7,

Carlin discloses said software is functional in producing layout drawings and manufacturing information for the production of said composite products (a room with

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pieces of furnishings and accessories) or in a producing layout drawings and manufacturing information for the production of said composite product.

As to claims 2-4, 9-11, 17-19, 30-32, 37-39, 45-47, 56-57, Carlin discloses free software to the designers (see abstract). Official notice is taken that it is well known to provide free enhancements, support or training when free software are provided for further customer satisfaction. Thus it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention was made to add free enhancements, support or training to the various software configurations for the above-stated purpose.

As to claims 8 (2nd vendors), 36, 43 (second products being appliances, 54, 55 Carlin discloses interactive targeting selling based on gathering of market data (see 0161) however does not specifically disclose providing advertisements for the sale of a second set of component products of a second set of vendors, in said software.

However, Official notice is taken that providing more layers of products/services referrals is a well known marketing tool. It would have been obvious to one of ordinary skilled in the art at the time of Applicant's invention was made to add another layer of product marketing to Carlin to promote further sales of related products. (in some claims, the kitchen appliances being the goods from the second set of sellers would have been obvious in the kitchen/remodeling trade in view of Carlin's teachings of sales associated products.) Further, as with the first set of advertisers it would have been obvious to one skilled in the art at the time of Applicant's invention was made to charge

said second of component set of vendors fees for inclusion of said advertisements of said second set of component products in said software before providing the sellers the opportunity to sell their wares as taught by Carlin.

As to claims 12-14, 20-22, 33-35, 40-42, 48-50, 58-59 (specific to router machines and router codes) Carlin discloses said software is functional in producing a three dimensional graphic display of said composite product (a room with pieces of furnishings and accessories) or in producing layout drawings and manufacturing information for the production of said composite product.

As top claims involving router machines and router codes, Official notice is taken that is well known CNC machines are well known in the cabinetry business and thus it would have been obvious in the art at the time the invention was made to add router machines and its software code to Carlin to allow cabinet makers to utilize routers software in the design customization as taught by Carlin.

As to claims 15-16, 44, 51-52 involving the software distributors products of Carlin discloses, providing, in said software, advertisements for the sale of products of sellers but not specifically those of the distributor of said software. However, that one of the sellers is named the "(software) distributor of said software. However, that one of the sellers is named the (software) distributor does not affect the method step and therefore the limitation is not accorded patented weight. As to the distributors' products being woodworking machinery including CNC router machine/components, Official

notice is taken that CNC router machines/components are well known cabinetry machines and therefore it would have been obvious to one skilled in the art at the time of Applicant's invention was made to add them to Carlin to effect sales of goods associated with such machines in the kitchen design trade.

As to claims 24 and 53, Official notice is taken that it well known to have software is functional in generating information making a comparison of benefits obtainable in the use of one seller's products versus another seller's products selected by the user. It would have been obvious to one skilled in the art at the time the invention was made to add such software feature to Carlin to show the comparative benefits different purchase options to assist the customers' decision process (see Carlin 0159). Again, that one seller is named is named the (software) distributor does not affect the method step and therefore the limitation is not accorded patented weight.

As to claim 25, Carlin discloses combining the invoices of said selected ones of said first set of vendors and generating combined invoices to said producers (0160).

As to claims 27-29, Carlin do not specifically disclose wherein said room layouts comprise kitchens, the component products comprise hardware including handles, pulls, catches, knobs, hinges, stops and drawer slides or machined wooden products including drawers fronts and door panels.

However Official Notice is taken that it is well known a most common room in one's home to furnish or remodel is the kitchen and all the above cited components of kitchen cabinetry. It would have been obvious to one skilled in the art at the time of the invention was made to add kitchens in the above cited associated components to Carlin to effect the teachings of Carlin in the well-practice context of kitchen's layout/remodeling.

Response to Arguments

5. Applicant argues that Carlin is not prior art against the application because Carlin (US 2002/0093538) is art under 102(e) against the claim for subject matter it shares with US patent application 09/643,507 (now patent no. 7,062,722). Applicant feels that patent 7,062,722 doesn't teach distributing, transmitting, receiving or invoicing. The Examiner wants to point out that Carlin '722 patent teaches distributing software in designing said layouts (paragraph 2.1, col. 5, lines 4-16); transmitting electronically over the Internet selected of a first set of vendors, ordered for the purchase of the component products (Figures 3 and 4 teaches ordering swatches and fabric from the vendors); receiving invoices from the vendors (col. 18, lines 31-35 of the '722 patent)

6. Applicant states that although Carlin teaches selecting the component parts, it is the component product that is delivered to the user. The Examiner wants to point out that the user selects the component parts as admitted by Applicant and therefore the product consists of the parts. The finished product consists of the parts, the user receives the parts ordered and then the user assembles the product out of the parts received.

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7. With respect to Applicant's argument that Carlin doesn't teach a producer assembling a product from the parts. This argument is moot in lieu of a new ground(s) of rejection.

8. With respect to Applicant's arguments pertaining to ordering parts from the different parties and for the products to be kitchen cabinets and the like. The Examiner wants to point out that the claims were rejected under the doctrine of 103 and that although Carlin doesn't teach ordering parts from different vendors is well known and obvious. For example, a person building a deck or a kitchen cabinet can view the finish product and then is able to order the different parts from different merchants in order to build the product desired.

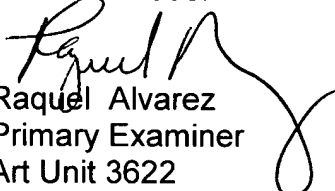
9. With respect to the Official notice taken, while applicant may challenge the examiner's use of Official Notice, applicant needs to provide a proper challenge that would at least cast reasonable doubt on the fact taken notice of. See MPEP 2144.03 where In re Boon is mentioned.

Point of contact

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
3/29/2007